

CHAPTER 30-02-02 FALCONRY

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30-02-02-01. Definitions.

- . "Department" means the North Dakota game and fish department.
2. "Falconry" means the sport of taking or attempting to take quarry (any species of animal) by means of a trained raptor.
3. "Replacement bird" means a raptor obtained to replace one which has died in captivity, has escaped, or is released to the wild.
4. "Service" means the United States fish and wildlife service.
5. "Take" or "obtain" means to trap, capture, or acquire by means of transfer a raptor for the purposes of falconry.

History: Amended effective December 1, 1982; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-02. License requirements. A valid North Dakota falconry license is required before any resident may take, possess, sell, barter, or transport a raptor for falconry purposes or practice falconry in North Dakota. A nonresident must have a valid joint state and federal falconry license issued by the state in which the licensee resides in order to possess or transfer a raptor for falconry purposes or practice falconry in North Dakota. In addition, any nonresident licensee who wishes to practice falconry in North Dakota must purchase the appropriate North Dakota nonresident hunting licenses.

Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-03. Application procedures. An applicant who wishes to take, possess, sell, barter, or transport a raptor for falconry purposes, or practice falconry as a resident of North Dakota must submit an application for a falconry license to the department.

Application forms must be obtained from the department and will include the following information:

1. Applicant's name and permanent home address.
2. Applicant's birth date, social security number, and driver's license number.
3. A list of number, species, age (if known), sex (if known), date of acquisition, and source of raptors already legally held in the applicant's possession.

In addition, any applicant who has not possessed a resident North Dakota falconry license within the previous twelve months must also include a brief description of personal experience with the sport of falconry, if any, including the most recent permit (license) class and number of years of active experience at that level, the date (year) of the written falconry examination, and the state, province, or country where the most recent permit was held.

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-04. License conditions. In addition to the general conditions, every license issued shall be subject to the following special conditions:

1. A licensee may transfer a raptor to another licensee if the transaction occurs entirely within North Dakota, the department has been notified in writing of such transfer, and no money or other consideration is involved.
2. A licensee may transfer a raptor to another licensee in an interstate transaction if prior written approval of the department and involved state agencies is obtained and no money or other consideration is involved in the transaction.
3. A licensee may sell or barter any lawfully possessed raptor that is bred in captivity under authority of a federal raptor propagation permit and

banded with a numbered seamless marker. All transactions of this type are subject to additional conditions specified by 50 CFR 21.30(d)(6).

4. A licensee may not propagate raptors without prior acquisition of a valid federal raptor propagation permit as described in 50 CFR 21.28(d)(9). Raptor propagation is subject to all conditions specified by 50 CFR 21.30, as amended, and 50 CFR 21.28(d)(9).
5. A licensee may not take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such licensee submits a form 3-186A (migratory bird acquisition/disposition report) for each bird possessed.
6. A raptor may not be possessed under authority of a falconry permit unless the licensee has a properly completed form 3-186A (migratory bird acquisition/disposition report) for each bird possessed.
7. All raptor species taken from the wild must be reported on form 3-186A (migratory bird acquisition/disposition report) to the issuing office within five days of taking. A raptor removed from the wild may not be banded with a seamless numbered band. Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*), which are considered sensitive species, must be banded if possessed for falconry purposes, in accordance with section 30-02-02-09 and 50 CFR 21.29(h).
8. The loss or removal of any band must be reported to the issuing office within five working days of the loss. The lost or removed band must be replaced by a permanent, nonreusable band supplied by the service. A form 3-186A (migratory bird acquisition/disposition report) must be filed in accordance with subsection 5 reporting the loss of the band and rebanding.
9. A licensee may not sell, purchase, or barter or offer to sell, purchase, or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the service.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-05. Classes of licenses.

1. Apprentice class.

- a. A licensee must be at least fourteen years old.

- b. Before applying for an apprentice class license, a potential applicant must first obtain a willing sponsor, pass a written examination, and pass an equipment and facilities inspection.
- c. Sponsors must be master class licensees or general class licensees with at least three years of experience at the general class level. A sponsor may not have more than three apprentices at any one time. An apprentice class licensee must have a sponsor during the entire apprenticeship.
- d. A licensee may possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*), which must be taken from the wild by the licensee as provided in 50 CFR 21.29(e)(1)(iv). A licensee may not possess more than one raptor and may not obtain more than one replacement bird during any twelve-month period.
- e. A licensee may take raptors from the wild only during the August 25 through December 3 period.

2. **General class.**

- a. A licensee must be at least eighteen years old.
- b. A licensee must have at least two years' active experience in the practice of falconry at the apprentice class level, or its equivalent.
- c. When an apprentice class licensee applies for a general class license, the licensee's sponsor must submit to the department a report that details the applicant's progress in falconry and qualifications and includes a recommendation for the general class license.
- d. A licensee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any twelve-month period, as provided for in 50 CFR 21.29(e)(2)(iii).
- e. A licensee may not take, transport, or possess any golden eagle; a licensee may not take, transport, or possess any species listed as threatened or endangered in 50 CFR 17; but a licensee may transport or possess individuals of such species that are captive bred, in accordance with 50 CFR 17.

3. **Master class.**

- a. A licensee must have at least five years' active experience in the practice of falconry at the general class level, or its equivalent.

- b. A licensee may not take, transport, or possess any raptor species listed as endangered in 50 CFR 17, but may transport or possess individuals of such species that are captive bred, in accordance with 50 CFR 17.
- c. A licensee may not take, in any twelve-month period, more than one raptor listed as threatened in 50 CFR 17, and then only in accordance with 50 CFR 17.
- d. A Licensee may not possess more than three raptors and may not obtain more than two raptors taken from the wild as replacements during any twelve-month period.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR 17, 50 CFR 21.29

30-02-02-06. Examination. Before any North Dakota falconry license is issued, the applicant shall be required to answer correctly at least eighty percent of the questions on a supervised examination provided or approved by the service and administered by the department, relating to basic biology, care and handling of raptors, literature, laws, regulations, or other appropriate subject matter. This requirement does not apply to license renewals under section 30-02-02-15.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-07. Facilities and equipment. Before a North Dakota falconry license is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the department as meeting the following standards; this requirement does not apply to license renewals under section 30-02-02-15, although each licensee's facilities and equipment should be inspected at least every three years:

1. **Housing facilities.** The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, and undue disturbance. The applicant shall have the following facilities:
 - a. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced

narrower than the width of the bird's body, and a secure door that can easily be closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

- b. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbances and attack by predators. The area shall be large enough to ensure that the birds cannot strike any obstacle when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.
2. **Equipment.** The following items shall be in the possession of the applicant before the applicant can obtain a license:
 - a. Jesses. At least one pair of alkymer jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;
 - b. Leashes and swivels. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;
 - c. Bath container. At least one suitable container, two to six inches [5 to 15.25 centimeters] deep and wider than the length of the raptor, for drinking and bathing for each raptor;
 - d. Outdoor perches. At least one weathering area perch of an acceptable design shall be provided for each raptor; and
 - e. Weighing device. A reliable scale or balance suitable for weighing the raptor or raptors held and graduated to increments of not more than one-half ounce [15 grams] shall be provided.
3. **Maintenance.** All facilities and equipment shall be kept at or above the preceding standards at all times.
4. **Transportation - Temporary holding.** A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperature and excessive disturbance, for a period not to exceed thirty days.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-08. Waiver of examination requirements. In recognition of federal falconry standards (50 CFR 21, sections 28 and 29), the department may waive the examination under section 30-02-02-06 before issuing a North Dakota falconry license to applicants showing proof of a valid falconry permit or license current within the previous two years in another state meeting standards for an examination (see section 30-02-02-06) and requirements for facilities and equipment (see section 30-02-02-07).

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR 21

30-02-02-09. Marking. All peregrine falcons (*falco peregrinus*), gyrfalcons (*falco rusticolis*), and Harris hawks (*parabuteo unicinctus*), which are considered sensitive species, must be marked in accordance with federal falconry standards 50 CFR 21.29(h) if possessed for falconry purposes.

1. Any peregrine falcon, gyrfalcon, or Harris hawk, except a captive-bred raptor lawfully marked by a numbered, seamless band issued by the service, must be banded with a permanent, nonreusable, numbered band issued by the service.
2. Any peregrine falcon, gyrfalcon, or Harris hawk possessed for falconry purposes must be banded at all times. Loss or removal of any band must be reported to the issuing office within five working days of the loss and must be replaced with a permanent, nonreusable, numbered band supplied by the service.
3. The alteration, counterfeiting, or defacing of a marker is prohibited except that licensees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-10. Restrictions for taking of raptors from the wild.

1. Any licensee interested in obtaining a raptor for falconry purposes must obtain permission in writing from the department prior to actual taking, regardless of potential means or source of acquisition.
2. Upon approval of a request to take sensitive species of raptors (see section 30-02-02-09) from the wild, the department shall provide the licensee with the appropriate bands in accordance with federal falconry

standards (50 CFR 21.29). Any unused bands must be returned to the department no later than thirty days following the end of the season, as specified in subsection 4.

3. Young birds not yet capable of flight (eyases) may only be taken by a resident master or general class licensee. No more than two eyases may be taken by a licensee during any calendar year. When a properly licensed falconer takes an eyas or eyases, at least one eyas must be left in the respective nest.
4. Raptors may be taken from the wild only during the following time periods, except that a marked raptor may be retrapped at any time:
 - a. April 10, 15, and 20.
 - b. May 26 through July 12.
 - c. August 25 through December 31.
5. Only American kestrels (*falco sparverius*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by general and master falconers.
6. Nonresident falconers may take raptors from the wild in North Dakota only with written authorization from the department director, only during the August 25 through December 31 period in even-numbered calendar years, and only if in possession of a current North Dakota nonresident hunting license for small game. Nonresident take of wild raptors in North Dakota is further restricted as follows:
 - a. The total nonresident take of wild raptors in North Dakota is limited to a single written authorization allowing take of one individual raptor in any even calendar year;
 - b. A request by a nonresident to take a wild raptor in North Dakota must be received by the department before August of the same calendar year in which a raptor is to be taken; and
 - c. Nonresident licensees requesting to take a raptor from the wild in North Dakota must have a valid, current falconry license from a state that allows nonresident take of wild raptors for falconry purposes. A copy of the licensee's state regulations pertaining to allowance of nonresident take of wild raptors must accompany any request to take a raptor from the wild in North Dakota, along with photocopy proof of falconry licenses or permits.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR 21.29

30-02-02-11. Possession of raptors prior to enactment of rules.

1. A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the license requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the service and cannot be replaced if death, loss, release, or escape occurs.
2. A person who possesses raptors before the enactment of these rules in excess of the number allowed under the person's class license shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the service and no replacement can occur, nor may any additional raptor be obtained until the number in possession is at least one less than the total number authorized by the class of license held by the licensee.

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-12. Release of birds to wild. A falconry licenseholder shall obtain written authorization from the department before any species not indigenous to North Dakota is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the department. The marker from an intentionally released bird which is indigenous to North Dakota shall also be removed and surrendered to the department. A standard federal bird band shall be attached to such birds by the state or service-authorized federal bird bander whenever possible. Any person who violates this section is guilty of a noncriminal offense and shall pay a seventy-five dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-13. Temporary care by authorized persons. A raptor possessed under authority of a falconry license may be temporarily held by a person other than the licensee for maintenance and care for a period not to exceed thirty days, only if the person providing temporary care is otherwise authorized to possess raptors. The raptor must be accompanied at all times by a properly completed form 3-186A (migratory bird acquisition/disposition report) designating

the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-14. Reporting. During July of each license renewal year, a licensee shall submit a falconry report to the department. A report shall contain the following:

1. A listing of all raptors in possession on June thirtieth of the year in which the report is filed by species, marker number if marker required (see subsection 8 of section 30-02-02-04 and section 30-02-02-09), sex (if known), age (if known), and date and where acquired;
2. A listing of all raptors obtained since the previous report or license application, but no longer possessed, by species, marker number if marker required (see subsection 8 of section 30-02-02-04 and section 30-02-02-09), sex (if known), age (if known), date received and date relinquished, where obtained, and to whom or how it was relinquished, whether by escape, death, or release; and
3. Any other information required by the department.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986; January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03; 50 CFR

30-02-02-15. Duration and cost of licenses. A license or the renewal of a license is valid when issued by the department and expires on June thirtieth of the third calendar year after it is issued. The triannual fee for falconry licenses (all classes) is fifty dollars.

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-16. Other restrictions and provisions.

1. Feathers that are molted or those feathers from birds held in captivity that die may be retained and exchanged by licensees only for imping purposes.
2. It is unlawful to intentionally loose raptors against protected wildlife species except when explicitly open to hunting by governor's

proclamation. Any licensee whose hunting raptor accidentally kills wildlife that is out of season or of the wrong species or sex shall leave the dead wildlife where it lies, except that the raptor may feed upon the dead wildlife before leaving the site of the kill.

3. The department may request that any master class licensee voluntarily serve, for an indefinite period, as a representative to administer examinations under section 30-02-02-06, to conduct inspections of facilities and equipment (see section 30-02-02-07), and to provide general counsel on falconry issues.

History: Amended effective January 1, 2000.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03